Remarks

At present applicants' claim 5 stands rejected under the second paragraph of 35 USC § 112 for antecedent basis reasons. Applicants' claims 1-10 stand rejected under 35 USC § 103 based upon the combination of the patent to Vepa et al. (U.S. Patent No. 6,694,369 issued Feb. 17, 2004 and having a filing date of Mar. 30, 2000) in view of the published patent application of Fujimori having Publication No. US 2002/0062217 A1 and a publication date of May 23, 2002 and a U. S. filing date of Oct. 28, 1997). In view of the amendments made herein and the comments presented below, these rejections are respectfully traversed. Accordingly, claims 1-10 remain pending in the present application.

Attention is first directed to the rejection of applicants' claim 5 under 35 USC § 112. In this regard, it is noted that the present response amends claim 5 by removing the word "node" from line 14. It was applicant's intent to include the language "message includes indicia." Since this language is found elsewhere in applicants' other claims and in their specification, it is clear that this was an inadvertent typographical error mostly likely introduced with word processing cutting and pasting. As such, it is seen that the antecedent basis problem has now been corrected in a manner that clearly adds no new matter to applicants' claims. It is therefore respectfully requested that the rejection of applicants' claim 5 under 35 USC § 112 be withdrawn. Amendments made herein also correct a possible antecedent basis problem with respect to "the sending node."

Attention is now directed to the art based rejection of applicants' claims.

It is noted that all of applicants' independent claims contain the expression "a message indicative of membership in a previous stable adapter membership group." [Emphasis added herein.] This is a concept which is totally absent front either of the two cited documents. There is no reference to a previous state and even more clearly, there is no teaching, disclosure or suggestion in the cited patent to the concept of a "previous stable membership group." As such,

PAGE 9/12 * RCVD AT 8/2/2005 3:44:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2738300 * CSID:8454329786 * DURATION (mm-ss):03-18

neither of these documents, either alone or in combination, can support a rejection based on 35 USC § 103.

In further support of the applicants' position in this regard, it is noted that the applicants' attorney has searched both of the cited documents in the PTO database for any occurrence of either the word "stable" or the word "previous." Only one occurrence of the word "previous" was found and that was totally unrelated to the concept referred to above in the cited language from the applicants' independent claims.

It is further noted that applicants' independent claims all refer to "initiating a group join protocol." No such concept appears to be present in the patent to Vepa at al. Any references therein to the concept of a group of computers is directed to the static context of an already existing group. There is no reference to a joining operation and there is certainly no reference therein to a join protocol. Such language is found in all of applicants' claims either directly or by claim dependency.

With specific reference to the patent to Vepa et al., it is noted that while they do speak of providing a "method for detecting reachability of client computers communicatively coupled in a computer network to a server computer," they are not at all concerned with addressing the problem of node failure per se. The only reference to failure conditions found in the patent to Vepa et al. is found in the following quotation: "The present invention further provides a system and method that will respond to dynamic changes in the status of client computers by reconfiguring itself in-or-near real time, thereby avoiding the failed communications that necessarily attend a lengthy or delayed reconfiguration." [Emphasis added herein.] Vepa et al. avoid failed communications by having a method which works "in-or-near real time." Vepa et al. appear to respond to changes in status relating to whether or not the client computer is

PAGE 10/12 * RCVD AT 8/2/2005 3:44:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2738300 * CSID:8454329786 * DURATION (mm-ss):03-18

compliant or not; but not to whether or not the client has failed. As mentioned, the only reference to "fail" or "failure" occurs only in the context of preventing it, not in the context of dealing with it.

For all of the reasons indicated above, it is seen that the rejection of applicants' claims 1-10 based on the art cited does not satisfy the requirements of 35 USC § 103. It is therefore respectfully requested that the rejection of applicants' claim 5 under 35 USC § 103 be withdrawn.

It is noted that the present response does not require the payment of any additional fees. It is also noted that, with respect to the claim amendment made herein, the present response is being made as of right.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicants have argued herein that such amendment was made to distinguish over a particular cited document or combination of documents.

Accordingly, it is now seen that all of the applicants' claims are in condition for allowance. Therefore, early notification of the allowability of applicants' claims is earnestly solicited. Furthermore, if there are any other matters which the Examiner feels could be expeditiously considered and which would forward the prosecution of the instant application, applicants' attorney wishes to indicate his willingness to engage in any telephonic

PAGE 11/12 * RCVD AT 8/2/2005 3:44:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/26 * DNIS:2738300 * CSID:8454329786 * DURATION (mm-ss):03-18

communication in furtherance of this objective. Accordingly, applicants' attorney may be reached for this purpose at the numbers provided below.

Respectfully Submitted,

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